

January 12, 2013

GPT/Custer Spur c/o CH2M HILL  
1100 – 112<sup>th</sup> Avenue NE, Suite 400  
Bellevue, WA 98004

## 1. Scoping in General

Having witnessed the lack of integrity in two previous EIS processes in Whatcom County (the Georgia Strait crossing – GTX EIS, and the BP Cogeneration Plant EIS<sup>1</sup>), I believe that the scoping process is not just about “topics” to be scoped and “substantial impacts”. As a citizen of this County I would ask that the scoping process have integrity and take due care for factual and legal accuracy, and that the draft and final EIS not contain misleading and inappropriate facts, data, or studies. As stated by a citizen at the November 29, 2012, Comment Meeting in Ferndale, the county, state, and federal agencies are supposed to be protecting the people and the environment.

1. All scoping and all Environmental Impact Statement (EIS) references, statements, and studies must be regarding the impact of sub-bituminous coal (not anthracite coal or bituminous coal.) The type of coal that is being mined and coming from Montana (and Wyoming) is sub-bituminous coal. [University of Wyoming website, and Environmental Chemistry, John W. and Elizabeth A. Moore, Academic Press, 1976.] Any statement, reference, or study regarding non sub-bituminous coal would constitute a dishonest use of facts to support the GPT project proposal, as the different types of coal have different properties and effects. For example, the sub-bituminous coal is a softer and dustier coal, and has more sulfur than other types of coal.

2. All studies and reports used in scoping the issues and cited in the EIS must cite the source of the information and state:

- (a) who did each study,
- (b) where the study was done,
- (c) when the study was done,
- (d) whether it was a real study or a stimulated/modeling study,
- (e) who funded the study, and
- (f) a reference to find the study so it can be reviewed. And if it is a coal study or statistic, it must state what type of coal was used or referenced.

3. Per Washington Administrative Code, Section 197-11-408(1) I would ask that the responses to all the scoping comments,

- (1) give a definition of what constitutes a “significant adverse impact”, so we will know that it was not an arbitrary and capricious process by which scoping comments were eliminated from the consideration, and

(2) give a clear and definite statement as to why each and every comment that was “narrowed” down and eliminated as a scope of impact to be considered.

(3) I do not have time to read the all relevant WACs, etc, but I do not believe that comments can be eliminated from the scoping purely upon the judgment that the issue does not have a “significant adverse impact”. If a scoping issue possibly involves a violation of county, state, federal, or constitution law (or treaty rights) then it does not have to have a significant impact to be considered as an issue that must be addressed. A violation of the law is illegal and must be considered whether or not the impact is “significant”. (See footnotes.)

## **2. Scoping EPA’s Assessment of Attainment**

Previously, Whatcom County had an “unknown” rating for attainment. According to the EPA rules, even though “unknown” meant insufficient data, the EPA always made the unsubstantiated conclusion that “unknown” areas would be determined to be in “attainment”.

Since it will be two more years before the EPA is required to determine whether or not our county is in attainment, I would ask that scoping assess the impact of coal dust in regard to attainment. Assessment of attainment must include the unknown amount of particulate matter less than 10 micrograms and less than 2.5 micrograms coming from:

- the BP oil refinery,
- the new, recently installed diesel-hydrotreater reactor BP refinery (two new additional smokestacks of substantial “steam” are now visible looking from the Cottonwood Beach area of Birch Bay towards the BP Refinery),
- the permitted BP co-generation plant, which should produce 367 tons/year of primary and secondary fine particulate matter, among other VOCs,
- diesel ship, truck, and train traffic in the Cherry Point/Birch Bay and Northern Whatcom County area, and
- Birch Bay State Park campfires and other campfires on the local beaches.

I am asking for an honest, not fictitious, scoping assessment of attainment. An honest assessment includes all the air in the Birch Bay area, and does not make the ridiculous assumption that air pollution stops at the U.S./Canadian border. Statistics from Environment Canada indicate that areas just across the border have been documented to not be attainment. This non-attainment is even visible on the warm summer days when one can see the smog (not natural haze) from the Vancouver and Vancouver airport area drift down the Georgia Straits into the U.S. and Birch Bay area. Also, areas east of Vancouver have been documented to not be in attainment, such as Abbotsford and Harrison Hot Springs.

An honest attainment would also be done during the summer, if there were only going to be one attainment study done. And if the attainment studies will be done more than once, one of the studies must be done during the peak summer months: July or August.

Although the GPT proposed project has not been determined to be a new major source of pollution, the fine coal dust produced by the piles of coal to be stored at Cherry Point will be contributing significant additional amounts of fine particulate matter to the already permitted tons of air pollution in the immediate area. Please scope this additional impact in regard to the new EPA standards for fine particulate matter, 12 micrograms per cubic meter. (Calculations of “significant” are below.)

### 3. Scoping the Transportation of Coal

Long distance transportation of coal takes an additional toll in both energy and human lives. [Environmental Chemistry, John W. and Elizabeth A. Moore, Academic Press, 1976.]

Wet cleaning of coal results in 12% of resource being lost. During transportation another 1% is lost. (Environmental Chemistry, supra) The official GPT application states that 48 million tons will be transported per year.

If the coal is watered down at the terminal of departure, 12% of 48 million tons is 5,760,000 tons of coal that will be washed away in Montana. This is a substantial amount of coal dust and it will have a significant impact on the environment. Please scope the affect of that amount of coal dust and particulate matter on the streams and waterways of Montana. If the coal is sprayed with water again when piled up at Cherry Point, please scope that impact. There are significant marine winds at Cherry Point so something must be done to secure the coal dust from blowing all over. A few years ago, in the Fall, we had windstorm after windstorm, about twelve in a row. The scoping should demonstrate all the loss of coal dust in the transportation and storage process. How will the Cherry Point facility be different in containing coal dust than the nearby terminal at Roberts Bank, where the local residents report horror stories about coal dust problems?

One percent of the coal resource is lost in transportation (Environmental Chemistry, supra). Please scope the of impact of 480,000 tons of coal dust upon the environment and the lungs of the people who live close to the train tracks, especially upon children, the elderly, and people with lung diseases. (Please reference Jane Koenig’s UW studies on fine particulate matter.<sup>ii</sup>) All the children, elderly (Birch Bay is a retirement community as well as a family resort), and people affected with lung diseases constitutes a significant percentage of our general population who will be impacted by additional particulate matter in our atmosphere.

Physical substances do not just disappear. Under no circumstances can energy be destroyed or created without a corresponding creation or destruction of energy. (The first law of Thermodynamics.  $\Delta E = q - w$ .) Substances, however, can change form such as  $H_2O$  can appear as water, ice, or steam (liquid, solid, or gas). Atoms and elements can bind with each other (ionic, covalent, and metallic bonds). But, atoms, elements, and substances do not just disappear. So, please assess **where** the substantial amount of coal dust goes that is “lost” in storage and transportation, and what living species it impacts.

#### 4. Scoping of Deposition of Coal Dust on Salt Water

Most of our coal has always been mined in the Appalachian Mountains or somewhere in the interior of the United States. Are there any studies on the impact of coal on salt water, the salinity of salt water, and its impact on salt-water species? It has been documented in places where coal mine tailings and drainage seeped into fresh water streams and rivers that all the fish were killed. [Crimes Against Nature, Robert F. Kennedy, Jr., Harper Perennial, 2005.] And we all know about Black Lung, the disease of the lungs that disables and eventually kills people, which is caused by the inhalation of coal dust.

Since we **know** that coal dust kills humans and fresh water fish, what does it do to filter-feeding marine species like the bivalves (clams, scallops, and oysters) we have at Birch Bay; or the barnacles and polyps, such as the sea anemone, or the sea cucumbers or jellyfish? We need studies and scoping on this issue. Please also scope the impact on species further down the food chain which consume bivalve species that have ingested and are infested with coal dust, such as starfish or scavengers like the Dungeness, Hermit, and Rock crabs, or the salmon species that feed on the minute crustaceans, copepods. Will the killer whales or harbor seals that feed on fish, or the numerous species of sea birds that feed on all types of marine species be affected? We need studies on all these issues now, not after we allow GPT to **irrevocably** destroy our fragile Puget Sound (Salish Sea) ecosystem which has dozens of unique estuaries systems, inlets, and bays full of sea life. If there are not any studies on this obvious impact, then some studies need to be done before an EIS should be submitted.

Since we know that **coal dust kills humans and fresh water fish**, the burden should not be upon the public to show that coal dust causes a “significant adverse impact” on marine life. But, the burden should be on the corporation requesting the permit to show that their proposed actions will not further disturb and damage the Cherry Point, Georgia Strait, Straight of Juan de Fuca, and Puget Sound waters and habitat.

We already know that the kelp beds, and the number of herring and sea birds are all declining at Cherry Point. (There are numerous studies documenting this, several of which have been done by a WWU professor.) Please scope the chemical composition of the majority of the coal coming from Montana. Does it contain any mercury, arsenic, or sulfur, etc., that may also be in the coal dust? Mercury is a well-known neuro-toxin even in miniscule amounts.

Or does coal dust kill just because it is a fine particulate dust, like smoke, which cannot be filtered out by human and mammalian lungs, fish gills, or any other types of living transport systems for providing and exchanging oxygen and nutrients? How does the deposition of coal dust into the local marine waterways affect plant life? Does the darkening of the water with coal dust interfere with the photosynthesis process? How can we possibly know if there will be a “significant adverse impact” if no one has studied the issue? It is ridiculous and once again, dishonest, to only scope that which is a known to be a significant impact! There is a picture in the January 10 –16, 201 edition of The Northern Light, that shows a picture taken from the water of the wind blowing coal dust from uncovered piles of coal at the Westshore Terminals at Roberts Bank in British Columbia, Canada. The picture is so dark from the coal dust that you can not even see the terminals or any land. That is

a significant amount of coal dust! The dust causes such a significant adverse impact that people have to constantly clean the dust off their boats and yachts moored at the local marina. Please scope the impact of the coal dust on the Birch Bay properties, vehicles, and boats, as well as the local farmlands.

Companies always promise to use due caution and care, but we still have marine "accidents" that are entirely preventable and due to gross human negligence. How quickly many of us forget about the Exxon Valdez incident (caused by intoxication), which destroyed hundreds of miles of coast line for years, killed thousand of birds, fish, marine mammals, and caused the permanent loss of jobs for many people. And there was a Canadian ferryboat navigating through the inland passage from Prince George that was off course due to negligence (officer on duty allegedly engaged in sexual intercourse), which ran into or over rocks and sunk a few years back. A couple of years ago, an Italian cruise ship (Costa Cruise lines) was intentionally driven off course to waive at some friends on an island in the Mediterranean Sea, was grounded and sunk. A Greek passenger ship also went down in the Mediterranean Sea. The release of ballast water is also an intentional negligent act. The permanent destruction of an environment and the death of humans are not events that can be mitigated.

Thank you.



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<sup>i</sup> For example, someone testified at the GTX hearing that she taught at Huxley College at Western Washington University and taught students how to write Environmental Impact Statements. She further testified that if a student had turned in the GTX draft EIS, the student would not have passed her class. The BP co-generation EIS had Washington State Department of Ecology standards that violated the federal Endangered Species Act. During the BP co-generation permitting process the Environmental Protection Agency refused to provide standards for fine (2.5 micrograms and smaller) particulate matter and arrogantly told me that if I didn't like it, sue. (That matter was settled in a 2009 court ruling that held that the EPA had ignored scientific advisors by maintaining 1997 standards.)

<sup>ii</sup> The Environmental Protection Agency (EPA) gave Ms. Koenig a multi-million dollar grant to study the impact of fine particulate matter (2.5 micrograms and smaller --- particulate matter so fine that the lungs cannot filter it out from entering the human body), when she had already concluded that fine particulate matter was harmful (at the 10 microgram particulate matter standard) for children, the elderly, and anyone with asthma or other lung disease.